

Chief, Foreign Documents Division, OO

Director of Security

Caveat on FDD "For Official Use Only" Reports

Ref : Memo from C/FDD to AD/OO, dated 13 October 1959 -
Subject as Above

1. In the reference, you state certain of your unclassified reports are currently released under the control statement "For Official Use Only" and in addition bear the following caveat:

"This report is disseminated for the information of the United States Intelligence Board only. If further dissemination is necessary, this cover sheet must be removed and CIA must not be identified as the source."

You proposed to omit the caveat but retain the control statement "For Official Use Only."

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2. In confirmation of your discussion on 29 October with [REDACTED] the use of "For Official Use Only" by CIA stems from DCID [REDACTED] which is presently being rewritten by the Security Committee of the USIB. It is possible that the rewrite may omit "For Official Use Only" as an approved control statement. In this event, CIA regulations would be revised to omit "For Official Use Only."

3. In view of the foregoing, it is suggested you may wish to defer consideration of your proposal until such time as it is definitely determined whether or not the Intelligence Community will retain the use of "For Official Use Only." In the meantime, however, if you still desire to

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drop the use of the caveat, it is recommended that the General Counsel pass upon your proposal inasmuch as you state the caveat was originally used for reasons of possible copyright infringement.

Sheffield Edwards

Enclosure:
Original of Reference

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13 October 1959

MEMORANDUM FOR: Assistant Director for Operations

SUBJECT: Cover on 100 "For Official Use Only" Reports

1. Foreign Documents Division issues certain reports containing unclassified information under a "For Official Use Only" controlled cover and carrying the following caveat:

"This report is disseminated for the information of the United States Intelligence Board only. If further dissemination is necessary, this cover sheet must be removed and CIA must not be identified as the source."

2. The purpose of this practice was (a) to remain as free as possible of copyright infringement action and (b) to cover attribution on any information reported by CIA. Cover for the Agency name on unclassified reports has been determined by the Director to be unnecessary and even undesirable in certain categories.

3. Continuation of the caveat now seems basically undesirable for the following reasons:

a. Specific identification of "the USIB only" is in fact a "limited" control and not appropriate under "FOUO." Such a limitation is not within the intent of controlling these reports as the Library of Congress [redacted] is on direct dissemination. "FOUO" is identified quite liberally in Agency Regulation [redacted] paragraph 3.1., dated 1 March 1956, and its use is indicated appropriate for dissemination, not only to the U.S. Government, but to "foreign governments authorized to receive them" and to "non-government persons and organizations with permission of the originating agency." Examples requiring such control are cited as "protection under copyright, libel, slander, and communication laws." It is obvious that further definition of "FOUO" in a caveat is redundant and the ostensible limitation to one segment of government is improper.

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SUBJECT: Caveat on FDD "For Official Use Only" Reports

b. While no copyright repercussions have been experienced under current practice, these reports are enjoying wider popularity and instructions to remove the caveat and not to disclose CIA as the source seems somewhat naive and certainly not desirable. Through these instructions we are saying, "Pass this along to whom you will--let them republish if they wish, but don't let them know we found it." This is really condonance of possible copyright infringement so long as some other neck is under the knife. It might well be interpreted as such an invitation.

4. I believe we would be in a stronger position if we issued these reports under the controlled caveat of "FOUO" stapled to the unclassified contents without caveat or other reference to dissemination. The agency position is clear under this control and reproduction by another would be his own responsibility without tacit or expressed invitation by the Agency.

5. I, therefore, recommend that use of the caveat in paragraph one above be discontinued on all FDD reports controlled "For Official Use Only."

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J. J. BURNETT
Chief, Foreign Documents Division, OO

CONCUR:

Director of SecurityDate

CONCUR:

Assistant Director for Central ReferenceDate

APPROVED:

Assistant Director for OperationsDate

Distribution:

- Orig & 1 - Addressee
- 1 - D/S
- 1 - AD/CR
- 1 - FDD/CO

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